

United States District Court

Southern District Of California
Office Of The Clerk
Edward J. Schwartz Federal Building
880 Front Street
Room 4290
San Diego, California 92101-8900

W. Samuel Hamrick, Jr.
Clerk of Court

Phone: (619) 557-5600
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TO ANY PERSON WISHING TO FILE A COMPLAINT IN THEIR OWN BEHALF

The following instructions have been compiled to assist any person wishing to file a complaint in this court. We have attempted to simplify procedures, however, we cannot and will not act as lawyers nor give advice as counsel. We do not anticipate that these simple procedures will satisfy all needs and the local rules of practice for the U.S. District Court are available for more specific guidance. You should use the local rules along with the Federal Rules of Civil Procedure. The Rules are available at the public or local law library.

PRO SE: In PRO SE status you are representing yourself and acting on your own behalf without counsel. The following requirements must be met in order to file a complaint:

1. **Filing Fee:** A \$150.00 filing fee is required when filing a complaint.
2. **Cover Sheet:** A civil cover sheet, form JS-44, is required and must be filled out completely. An original is all that is needed for filing.
3. **Complaint:** The complaint can be typed, printed by hand, or written on 8½" x 11" paper. Your complaint should be legible and clearly stated so that it is easily understood. Clearly set out your grievance against whom and what you would like the Court to do to correct the situation. You should take care in its preparation. For your convenience, a cover page example is included in this package, it is not for any use other than format. An original and one copy of the complaint is required for filing. (See Sample #1)

IN FORMA PAUPERIS: If you are granted IN FORMA PAUPERIS status, you can be represented by counsel or act on your own behalf. When filing in this status you are requesting permission from the court to pursue your lawsuit without prepayment of the statutory filing fees. In addition, you may seek authorization from the Court to obtain service of process without prepayment of the U.S. Marshal's fee.

If you are granted In forma pauperis status, a summons will be issued to the U.S. Marshals Office. However, before service is accomplished you are required to complete USM Form 285.

Attached to this package is:

1. Civil Cover Sheet
2. Complaint Cover Sheet. This sample sets out the proper complaint format (Sample #1)
3. Summons in a Civil Action.
4. Request for Appointment of Counsel.
5. Motion and Declaration to Proceed in Forma Pauperis.
6. Amendment to FRCvP 4-Summons
7. Consent to Proceed Before a U.S. Magistrate Judge and Order of Reference

AN ORIGINAL AND ONE COPY OF THE ABOVE PLEADINGS IS REQUIRED FOR FILING

Additional Information

At the time of filing your complaint, the Clerk's Office will issue a "Summons in a Civil Action". You are responsible for the service of both your complaint and the summons, with the exception of those proceeding In Forma Pauperis. In addition, you are responsible for the timely movement of your case once it is filed.

It is very important that you provide us with your current address and phone number so the Court can contact you in the event it is necessary to obtain further information or clarification, or advise you of any changes in hearing schedules. If you do not provide us with a contact phone number, the court will not be responsible for untimely notification of emergency changes in hearing schedules.

If you require additional information you may call the Clerk's Office at (619) 557-5600. The Clerk's Office can assist you with procedural questions, but can not give you any legal advice.

Also, enclosed is the amendment to Rule 4 of the Federal Rules of Civil Procedure concerning service of process by certified mail. If you choose to serve process by certified mail, this Rule will help in explaining what is required.